

ARMY FEDERAL ACQUISITION REGULATION SUPPLEMENT

PART 53—FORMS

53.9005 Format for a Justification and Approval for Other Than Full and Open Competition.

CONTROL NO:

JUSTIFICATION AND APPROVAL FOR OTHER THAN FULL AND OPEN COMPETITION

JUSTIFICATION

- 1. Contracting Activity:** Specify the contracting activity responsible for this action.
- 2. Description of Action:** State whether approval is being requested for a new contract or a modification. Include type of contract, type of funds to be used (R&D, OPA, OMA) and, when applicable, the estimated share and ceiling arrangements.
- 3. Description of Supplies/Services:** Describe the supplies/services. Include the estimated total value, including options, if any.
- 4. Authority Cited:** Identify the statutory authority permitting other than full and open competition, followed by the FAR citation and FAR citation title.
- 5. Reason for Authority Cited:** Describe how this action requires the use of the authority cited. If applicable, identify the proposed or potential contractor(s), and include a discussion of the proposed contractor's unique qualifications for fulfilling the contract requirements. If the authority is FAR 6.302-1, include the required delivery schedule and lead-time involved. If the authority is FAR 6.302-2, include the required delivery schedule and lead-time involved as well as a discussion of the serious injury to the Government which would result if award of a contract is delayed.
- 6. Efforts to Obtain Competition:** Describe efforts to ensure that offers are solicited from as many potential sources as is practicable. Also describe the extent of effective competition anticipated for this acquisition.
- 7. Actions to Increase Competition:** There may be instances when it is not possible to compete the current acquisition. Include a statement of the actions taken, or to be taken, to increase competition (e.g., breakout) before any subsequent acquisition of the supplies or services. If the requirement is for a repair part, address whether or not it has been screened under DFARS Appendix E. If it has been screened, provide the Acquisition Method Code (AMC) and Acquisition Method Suffix Code (AMSC). Provide the approximate date the technical data package will be available.
- 8. Market Survey:** Describe the extent and the results of the market survey (FAR 7.101) conducted to identify all qualified sources. If one was not conducted, give the reasons, and attach a copy of the approved waiver.
- 9. Interested Sources:** Include a listing of the sources that have written to express interest in the acquisition. If applicable, clearly state that "To date, no other sources have written to express an interest." If 10 U.S.C. 2304(c)(1) is the authority cited, explain why other sources were rejected. Also, state that the notices required by FAR 5.201 shall be or have been published, and that any bids or proposals received shall be considered. If a CBD notice will not be published, state which exception in FAR 5.202 applies.

CONTROL NO:

ARMY FEDERAL ACQUISITION REGULATION SUPPLEMENT

PART 53-FORMS

10. Other Facts: Discuss any other facts supporting the use of other than full and open competition, such as the following:

a. Procurement history. Reasonable efforts to retrieve the following items from computer records, contract files, competition advocate office files or other sources are expected:

- (1) Contract numbers and dates of the last several awards.
- (2) Competitive status of these actions.
- (3) Authority previously used for less than full and open competition.
- (4) If a justification was prepared to support the procurement made before this one, a summary of the contents of paragraph 7 of the justification for that procurement and an explanation of the results.
- (5) If any prior award was accomplished by full and open competition, a detailed explanation of the changed circumstances.
- (6) An explanation of any unusual patterns which may be revealed by the history, e.g., several consecutive, urgent buys.

(7) If a justification was prepared to support the procurement made before this one, briefly describe the circumstances justifying the buy and whether there have been any significant changes.

b. Acquisition data availability. Explain why technical data packages, specifications, engineering descriptions, statements of work or purchase descriptions suitable for full and open competition have not been developed or are not available. Describe actions taken or planned to remedy this situation.

c. Unusual and compelling urgency. When FAR 6.302-2 is cited, provide data, estimated cost or other rationale to explain the nature and extent of the injury to the Government. If the delay associated with the requirement for first article testing is the principal reason for not awarding the contract on a full and open basis, clearly describe the reasons that first article testing is required on this procurement and why other means of assuring quality are not being used.

d. Subcontracting competition. In single source situations, address efforts to be taken by the Government to assure that the prime contractor obtains as much competition as possible in its subcontracting.

11. Technical Certification: Include the following statement:

I certify that the supporting data under my cognizance which are included in the justification are accurate and complete to the best of my knowledge and belief.

Typed Name: _____

Date: _____

Title: _____

Signature: _____

12. Requirements Certification: Include the following statement:

I certify that the supporting data under my cognizance which are included in the justification are accurate and complete to the best of my knowledge and belief.

Typed Name: _____

Date: _____

Title: _____

Signature: _____

CONTROL NO: _____

13. Fair and Reasonable Cost Determination: Include the following determination:

ARMY FEDERAL ACQUISITION REGULATION SUPPLEMENT

PART 53-FORMS

I hereby determine that the anticipated cost to the Government for this contract action will be fair and reasonable.

Provide the basis for this determination (e.g., describe techniques to be used to determine fair and reasonable price, such as cost analysis, price analysis, audit, should cost, independent Government estimate, etc.).

Typed Name: _____

Date: _____

Title: _____

Signature: _____

14. Procuring Contracting Officer Certification: This certification shall be made by the contracting officer who will sign the contract resulting from this justification and approval. Include the following statement:

I certify that this justification is accurate and complete to the best of my knowledge and belief.

Typed Name: _____

Date: _____

Title: _____

Signature: _____

APPROVAL

Based on the foregoing justification, I hereby approve the procurement of (*state equipment/services being procured*) on an other than full and open competition basis pursuant to the authority of 10 U.S.C. 2304(c)(*insert authority*), subject to availability of funds, and provided that the services and property herein described have otherwise been authorized for acquisition.

Date: _____

Signature: _____